

In re: Gregory M. McGregor et al.
Application No.: 09/991,899
Filed: November 23, 2001
Page 5 of 6

REMARKS

Claims 2 through 19 remain pending and are presented for reconsideration herein. Claims 2, 10, 11, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Gifford (U.S. Patent 6,052,718). This rejection is respectfully traversed for the following reasons.

Applicants appreciate the courtesies shown by Examiner Lesniewski during a personal interview conducted on August 2, 2006. Pursuant to MPEP § 713.04, Applicants provide the following summary of this interview. A personal interview between Examiner Lesniewski, co-inventor Shaw, and the undersigned attorney was conducted on August 02, 2006, at which time draft amended claims substantially in the form of amended claims 2 and 11 set forth above were discussed. The Examiner agreed that such amended claims would overcome the current rejection on record (based on Gifford '718). The above constitutes a complete interview summary of the interview with the Examiner on August 02, 2006.

Claims 2 and 11 are amended hereby to formally present for examination claims of substantially the same form as discussed with the Examiner on August 02, 2006. The claims presented hereby differ from the claims discussed with the Examiner only as regards the correction minor grammatical informalities to improve the clarity thereof. Support for these amendments may be found in the specification at, for example, the following passages:

- **paragraph 006** ("There exists a need for a method and apparatus capable of translating and switching dynamic content such that when a request comes into such method and apparatus a better connection point/serving point is returned to the client and the connection is broken, whereby the client then re-establishes a connection with a 'better' servicing point or network path/route.");
- **paragraph 016** ("When bandwidth becomes scarce, the DCTS re-routes the request to a completely different service provider.");
- **paragraph 020** ("It then 'breaks' the current route and connection having the client re-establish a connection with a better serving point.");
- **paragraph 021** ("That is, the DCTS dynamically makes decisions regarding how, what, where, why and when content should be served. Because the connection is broken and is re-established elsewhere, the DCTS can route clients to different types of content than originally requested.");
- **paragraph 028** ("Since DCTS is a decision point, DCTS has the ability to look at a number of possible serving locations for a given request. This means

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Page 6 of 6

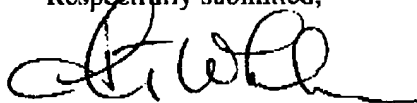
that DCTS must make a decision as to which of those locations are appropriate.");

- and numerous others.

For at least the foregoing reasons, Applicants respectfully submit that pending claims 2-19 distinguish over the cited art and thus define patentable subject matter. A prompt and favorable reconsideration of the rejection, together with an indication of allowability of all pending claims, are thus earnestly solicited.

If the Examiner has any questions or concerns regarding the foregoing, the Examiner is invited to contact Applicants' undersigned representative.

Respectfully submitted,



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CERTIFICATE OF MAILING (37 CFR §1.8)

I hereby certify that this correspondence is being sent via facsimile to telephone number 571-273-8300 at the United States Patent and Trademark Office on August 29, 2006.



John T. Whelan

Date of Signature: August 29, 2006